

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-MJ-06200-PMH

UNITED STATES OF AMERICA

v.

TYRONE GERRY DORGILE,

Defendant.

/

**THE UNITED STATES OF AMERICA'S UNOPPOSED MOTION
TO CONTINUE PRELIMINARY HEARING AND ARRAIGNMENT**

The United States of America, through the undersigned Assistant United States Attorney, submits this unopposed motion for the Court to continue the Preliminary Hearing and Arraignment for Defendant Tyrone Gerry Dorgile, currently set for May 19, 2023, until May 25, 2023, and as good cause states as follows:

1. On May 4, 2023, the Defendant was arrested pursuant to a Complaint charging him with violations of Title 18, United States Code, Sections 841(a) and 846 (conspiracy to distribute a controlled substance).
2. On May 5, 2023, the Defendant had his Initial Appearance before this Court. The Defendant is on bond pending trial.
3. The Court set the Defendant's Preliminary Hearing or Arraignment for May 19, 2023. The government is still awaiting the results of laboratory tests regarding substances seized in connection with this matter. As such, the Defendant will not be indicted by the May 19, 2023 Preliminary Hearing or Arraignment.

4. Pursuant to Fed. R. Crim. P. 5.1(a)&(c), the Court must conduct a Preliminary Hearing within 21 days of an out-of-custody defendant's initial appearance unless, among other provisions, the defendant waives preliminary hearing or an indictment is filed. The 21st day after arraignment will be May 26, 2023.

5. On May 17, 2023, the undersigned conferred via e-mail with counsel of record for the Defendant, who advised that the Defendant did not object to a continuance of the Arraignment until May 25, 2023, which is within 21 days of the Defendant's initial appearance.

6. For the foregoing reasons, the United States respectfully requests that the Court grant this Motion, find that the limited availability of grand jury resources and continued exigent circumstances created by the pandemic constitute good cause and extraordinary circumstances, and find that justice requires the Preliminary Hearing and Arraignment be continued until May 25, 2023.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

BY: /s/ Katherine W. Guthrie
KATHERINE W. GUTHRIE
Assistant United States Attorney